S.B.CRIMINAL MISC. BAIL APPLICATION NO.3528/2006

Date : 30.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. G.R. Punia for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that in relation to incident, First Information Report was lodged prior in time on 01.07.2006 by one Bheru, who is from the accused applicants side where specific allegation was made that on the field of the accused applicants, Devilal who is complainant in the present case, came with deadly weapon with other persons and caused injuries and one Kamla also inflicted injury by Lathi on head of Smt. Mangi. He further submits that previously an agreement was executed between the parties and, thereafter, possession of the land was handed-over to the applicants. He further submits that civil suit is also going on as the complainant in this case did not want to part

with the land despite the agreement. He also submits that on 04.07.2006, after three days of the incident, this FIR has been lodged in relation to incident dated 01.07.2006. He contends that in the FIR, it has been alleged that injuries were inflicted on the person of the injured by Dhariya etc. whereas injuries are said to be inflicted by blunt object as per the injury report. He submits that father of one Smt. Lahari has died recently. In last, he submits that ladies have been involved in this case because of enmity, therefore, they may be given benefit of anticipatory bail.

On the other hand, learned Public Prosecutor has not controverted the fact that the FIR regarding incident was lodged by the accused side prior in time and subsequently regarding the same incident the present FIR has been lodged on 3-4.07.2006 by the complainant side.

I have considered the submissions made before me.

Taking into consideration overall facts and circumstances of the present case, I deem it just and proper to

grant anticipatory bail to the ladies applicants. Accordingly, it is directed that in the event of arrest of applicants (1) Smt. Lehari wife of Ganga Ram (2) Smt. Mangi wife of Ramlal (3) Smt. Mangi wife of Bherulal and (4) Smt. Sosar wife of Nagji Ram by I.O./S.H.O.in FIR No.96/2006 P.S. Akola, District Chittorgarh, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

vijayant